

1 get courtesy copies from any of the parties. So I didn't  
2 even know the thing was pending. And not only that, but the  
3 parties had not received a few of my orders.

4 So that was not a good situation, and we raised it  
5 with the powers that be, and they assured us it wouldn't  
6 happen again, but it seems to be happening.

7 So if you send me courtesy copies of whatever you  
8 file, at least I will know that they have been filed, and I  
9 can -- if I don't get a stamped copy, it's a way of us  
10 checking if something has actually been filed.

11 I would urge you, with respect to discovery, to  
12 make a good faith attempt to work with each other, and to  
13 iron out your differences between the parties. I don't want  
14 you to come to me without trying in good faith to work it  
15 out between yourselves. I don't enjoy ruling on discovery  
16 motions, but I know if I have to, I have to. And I think  
17 both of you are experienced enough to know what you are  
18 entitled to get and what you are not entitled to get, and  
19 that you will be able to reach an accommodation that would  
20 be a reasonable one.

21 Does the Bureau anticipate any discovery?

22 MR. WEBER: Yes, Your Honor. And actually, I  
23 would like to maybe seek your direction on one particular  
24 point.

25 JUDGE STEINBERG: Oh, boy.

1           MR. WEBER: Since the issue is couched against Mr.  
2 Breen and Westel deal with Mr. Breen's knowledge of any  
3 misrepresentations that took place and actions he took  
4 thereafter is, of course, based on the premise that actually  
5 misrepresentations took place.

6           To that regard, are you taking it as a given that  
7 misrepresentations took place, or are you wanting that to be  
8 proven and then to flow from that what actions and knowledge  
9 Mr. Breen had thereafter?

10          JUDGE STEINBERG: That's a real good question, and  
11 I don't know the answer to that because the hearing  
12 designation order seems to me to be conflicting in a certain  
13 respect in that they -- all sorts of conclusions are  
14 reached. This was a misrepresentation. This was  
15 intentional. This was that. But yet -- and the issue is  
16 phrased -- Issue 1 is phrased in terms of committed -- that  
17 misrepresentations and lack of candor have occurred.

18          But yet you go to paragraph 41 where it says,  
19 they're talking about credibility determinations being made  
20 by a judge, what is for me to determine if the Commission  
21 has already determined that there are misrepresentations?

22          So the answer to your question is I really don't  
23 know. I would assume that from the way the HDO is set out,  
24 and you've got a notice of apparent liability, which I  
25 haven't read yet, the PCS 2000 NAL, which I should read and

1 probably will read, but I haven't read it before today, I  
2 think the Commission has concluded that there were  
3 misrepresentations, that there was a lack of candor, and  
4 maybe that's what I have to take as a given.

5 Mr. Carroccio?

6 But I don't know.

7 MR. CARROCCIO: Your Honor, I think that this is  
8 one of the classic cases of the extent to which collateral  
9 estoppel does or does not apply. The Commission made some  
10 rulings in that NAL. However, the individual against, and I  
11 would also cite -- but I'm not talking about Mr. Breen  
12 because --

13 JUDGE STEINBERG: Right.

14 MR. CARROCCIO: -- they specifically indicated  
15 they were not making determinations regarding Mr. Breen in  
16 that.

17 JUDGE STEINBERG: No, I know. I know. Mr. Easton  
18 was not a -- he was with PCS 2000.

19 MR. CARROCCIO: He was not a party to the  
20 proceeding, had no chance to answer, and I don't know what  
21 Mr. Easton would put on as a defense at this time. I think  
22 the one thing that maybe we could all do is indicate that at  
23 some point in time there was some confusion as to what was  
24 going on there, Your Honor.

25 I don't think there is anybody today who can state

1 beyond a shadow of a doubt what actually happened. We all  
2 have our theories, we all have our beliefs, but there is  
3 nothing that I have ever seen that concludes precisely what  
4 happened. I think this would be something that we might  
5 work out some stipulations on, some relatively neutral  
6 stipulations. I think that it is something that there are  
7 certain premises that we would be willing to stipulate to,  
8 and we could go from there, and we stand ready to discuss  
9 those.

10 But we can't at this point in time, Your Honor,  
11 say that anybody ever concluded that there was actually a  
12 hard and fast misrepresentation. We have had reported  
13 certain activities that took place, but they have been  
14 denied.

15 JUDGE STEINBERG: You mean there hasn't been a  
16 conclusion before this memorandum and order designating the  
17 case for hearing. There seems to be some pretty strong  
18 language in the discussion section there that things were  
19 misrepresentations and that they were intentional, et  
20 cetera.

21 The question is, is this your hearing designation  
22 order which in essence says these are preliminary  
23 conclusions, let's go and have a hearing about them to see  
24 if these will become conclusions in an initial decision, or  
25 are these conclusions that you, Judge Steinberg, are bound

1 by?

2 And I don't know the answer to that because you  
3 read the discussion, you read the text of Issue 1, you might  
4 be led to one conclusion. Then you read, what was it,  
5 paragraph 41, and you might reasonably come to another  
6 conclusion.

7 Now, I, fortunately -- well, fortunately or  
8 unfortunately -- inasmuch as Mr. Easton has not filed a  
9 Notice of Appearance and I'm going to get rid of Issue 1, we  
10 don't face that question directly, but we might face it  
11 indirectly.

12 What I would say is you two see if you can work it  
13 out, and if you can't and I have to rule on it, then I have  
14 a 50 percent chance of being right.

15 (Laughter.)

16 MR. CARROCCIO: Your Honor, in wrestling with this  
17 problem ourselves, we looked at the MO&O, and with regard to  
18 Mr. Breen, in paragraph 16 of that they talked about while  
19 they don't know the extent of Mr. Breen's involvement, they  
20 believe the facts appear to indicate. I mean, that is --  
21 that is far from being a conclusion.

22 JUDGE STEINBERG: Right.

23 MR. CARROCCIO: It is -- it is very loose and very  
24 tentative at best.

25 The other thing I might suggest, Your Honor, is

1 that much of this, again, rests on the independent counsel's  
2 report that I raised earlier, and that is -- the probative  
3 value of that report is specious at best.

4 JUDGE STEINBERG: Well, then that's the premise  
5 that you're going to have to try your case under. And if  
6 Mr. Weber believes that it's not specious, then he would try  
7 his case under that premise, and then I would rule at the  
8 appropriate time.

9 How much time do you think you will need to  
10 complete discovery? I figured about 60 days. Is that too  
11 long? Well, obviously it's not too long --

12 MR. CARROCCIO: No.

13 JUDGE STEINBERG: -- given the time of year. And  
14 I would suggest that discovery be completed by December  
15 24th.

16 MR. CARROCCIO: Your Honor, we believe that would  
17 both accommodate the travel schedule I spoke to you about  
18 earlier and the need to accommodate some travel to the west  
19 coast where I believe the bulk of the witnesses are located.

20 JUDGE STEINBERG: Okay.

21 MR. CARROCCIO: That appears more than fair, Your  
22 Honor.

23 JUDGE STEINBERG: Okay, just for the record, the  
24 travel schedule that Mr. Carroccio was referring that he and  
25 I spoke about was related to the moving of the conference up

1 a week; is that correct?

2 MR. CARROCCIO: Yes, Your Honor. To accommodate  
3 my travel to the World Radio Conference.

4 JUDGE STEINBERG: Okay. Is December 24th okay  
5 with the Bureau?

6 MR. WEBER: Yes, Your Honor. It seems like that  
7 is a reasonable amount of time.

8 I would like to point out, though, the Bureau  
9 right now contemplates seeking some discovery from  
10 nonparties, which will mean that we will need to come to you  
11 with subpoenas and I'm sure you --

12 JUDGE STEINBERG: No problem.

13 MR. WEBER: Okay, good.

14 JUDGE STEINBERG: You have the forms?

15 MR. WEBER: Yes.

16 JUDGE STEINBERG: Because we don't.

17 MR. WEBER: I think we do.

18 MR. CARROCCIO: We may borrow some from the  
19 Bureau, Your Honor.

20 JUDGE STEINBERG: Or should I say the forms that  
21 we had were, I think, when Mr. Carroccio worked for the  
22 Hearing Division. Those are the most current ones we had.

23 MR. CARROCCIO: Your Honor, when I was here we  
24 were working with outdated forms.

25 (Laughter.)

1 JUDGE STEINBERG: Okay, let's go off the record  
2 and discuss the other dates.

3 MR. CARROCCIO: Sure.

4 (Discussion off the record.)

5 JUDGE STEINBERG: While we were off the record, we  
6 discussed and agreed to the following procedural dates:

7 December 24, 1997, will be the date for completion  
8 of all discovery, and completion means completion. That  
9 means everything is finished by then, not that you send your  
10 last notice out on December 24th. When Christmas comes, no  
11 more discovery.

12 January 21, 1998, there will be a exchange of  
13 written direct cases, if there are any written direct cases,  
14 and I would urge the parties to reduce the testimony of  
15 their witnesses to writing and exchange it; that is, to the  
16 extent that they are in control of witnesses. Obviously, if  
17 a witness is not under your control, you can't require that  
18 witness to sign something you stick in front of him. But if  
19 the witness is within your control, I would suggest that you  
20 get a written sworn statement.

21 If oral testimony is to be offered, the exchange  
22 on January 21st shall contain an identification of each  
23 witness and a brief outline of the testimony that they are  
24 expected to give. And I would like the parties to actually  
25 receive the exhibits on January 21st; not that they just be



1 placed in the mail, so if there is an exchange so they will  
2 be in hand on that date.

3 January 28, 1998, will be the date for  
4 notification of the witnesses desired for cross-examination  
5 at the hearing. Such notification may be given by telephone  
6 or facsimile. If oral notification is given, it's got to be  
7 confirmed in writing.

8 February 2, 1998, will be the date for filing any  
9 objections to witness notification.

10 And February 10, 1998, will be the commencement of  
11 the hearing at 10 a.m. in the Commission's Washington, D.C.  
12 offices. If there is any rebuttal, then it will commence  
13 immediately after the conclusion of the direct cases. By  
14 immediately, immediately could be the next day, but I don't  
15 anticipate any substantial break between the direct cases  
16 and rebuttal unless there is real good cause for the break.  
17 For instance, something unexpected came up and you might  
18 have to depose somebody, or do some lengthy consultation  
19 with your clients, or something like that. But, you know,  
20 we will try to move that along as quickly as we can.

21 Are these dates agreeable, Mr. Carroccio?

22 MR. CARROCCIO: They are, Your Honor.

23 JUDGE STEINBERG: Mr. Weber?

24 MR. WEBER: Yes, Your Honor.

25 JUDGE STEINBERG: And I will issue an order

1 confirming the dates.

2 Should I also roll in a date by which the two of  
3 you have to meet to discuss settlement? Why don't I? What  
4 the heck, as long as I'm -- make it November 15th.

5 MR. CARROCCIO: Your Honor?

6 JUDGE STEINBERG: Yes.

7 MR. CARROCCIO: I'm going to be returning from the  
8 radio conference on November 12th, and I'm leaving a week  
9 from Friday. That's a bit short.

10 JUDGE STEINBERG: Okay.

11 MR. CARROCCIO: December 1, is that a week day?

12 MR. WEBER: That is a Monday. That is a week day.

13 JUDGE STEINBERG: Do you want to make it by  
14 December 1?

15 MR. CARROCCIO: Yes, Your Honor. We might have  
16 some discovery under our belt by then, and that might help  
17 things along.

18 JUDGE STEINBERG: Okay. Can you -- you are going  
19 to meet to discuss stipulations also at some time.

20 MR. CARROCCIO: Your Honor, in that regard, I  
21 would like to address another issue. Section 1.246, which  
22 goes to the admission of facts and genuineness of documents,  
23 sets a 20-day period after the time for filing a Notice of  
24 Appearance having expired for seeking admissions.

25 Under the circumstances, I think Your Honor does

1 have the discretion to extend that, and I think an extension  
2 of that may help us in developing this case. I don't see  
3 any reason to keep it that date. That would be next Monday,  
4 according to my computation, and I think if we left that  
5 open well into the discovery period it may help us obviate  
6 the need for expensive discovery.

7 JUDGE STEINBERG: Well, why don't I leave it this  
8 way: If you want to file a request for admissions on the  
9 Bureau beyond the 20 days, you file them and request a leave  
10 to do so showing good cause. How about that? Unless the  
11 Bureau doesn't object.

12 What you are trying to do is you're trying to  
13 basically force them to stipulate to certain facts.  
14 Otherwise, why would you use admission? Why wouldn't you  
15 just get together with them and say can we agree on A, B, C  
16 and D. But if you use the formal admission's mechanism,  
17 then they are compelled to admit, deny, deny in part, admit  
18 in part, object, and it creates -- I just went through this  
19 in another case, and a lot of hostility was created, and a  
20 lot of litigation was created because of the untimely filing  
21 of an admission request, which I allowed to be filed in the  
22 hopes that it would lead to stipulations, and I'm still  
23 waiting for the stipulations.

24 So the way I see it is if you can't work it out,  
25 I mean, if they are being hard-nosed and they will not admit

1 or stipulate to something that's as clear as the nose on  
2 their face, then you might want to file a request for  
3 admissions and force their hand; force them to say why they  
4 won't admit to it. But if you can avoid it, I would wait.

5 MR. CARROCCIO: Okay.

6 JUDGE STEINBERG: So I'm not going to leave it  
7 open. If you want to -- I'm not going to preclude you from  
8 filing it beyond the 20 days, but just tell me why you need  
9 to do it at this time rather than by next Monday, which will  
10 probably be because we didn't have the information.

11 MR. CARROCCIO: Your Honor, my thinking on it is  
12 that a request for admission is a one-way street. You must  
13 either admit or deny as framed by a particular party. A  
14 stipulation anticipates a meeting of the minds, and I think  
15 that in this case where there are a lot of nuances and  
16 subtleties giving the parties the time to work out the  
17 stipulation before trying to force admissions is going to be  
18 productive. And I'm not talking about an open-ended  
19 extension. I would -- obviously, we would want to have  
20 these taken care of before depositions started.

21 JUDGE STEINBERG: Right.

22 MR. CARROCCIO: So we're not looking to have this  
23 go on odd infinitum. But we are -- this is not your normal  
24 case, Your Honor. Until this morning we weren't absolutely  
25 certain that Mr. Breen was a party. The situation with Mr.

1 Easton raises enormous questions that we really would like  
2 to stipulate to. But if we're forced to, we would next  
3 Monday serve a number of requests for admissions.

4 JUDGE STEINBERG: How much of an extension are you  
5 talking about?

6 MR. CARROCCIO: Your Honor, what I would like is  
7 through the -- I believe the date is the 17th of November.  
8 It's a Monday.

9 JUDGE STEINBERG: So it's about a month?

10 MR. CARROCCIO: Yes, but it's also about five days  
11 after I get back from the radio conference. And in fairness  
12 to Mr. Breen, I have been point man from our firm on this  
13 for the last year and a half, and I think it's most  
14 efficiently disposed of if I'm involved in matters such as  
15 this as much as I can.

16 JUDGE STEINBERG: Let me ask Mr. Weber if he would  
17 object.

18 MR. WEBER: I mean, it's tough to comment at this  
19 point not knowing who he is contemplating serving a request  
20 for admissions on, and --

21 JUDGE STEINBERG: It would be to you.

22 MR. WEBER: -- to what extent they are, I mean --  
23 yes.

24 JUDGE STEINBERG: Right? It would be the Bureau.

25 MR. CARROCCIO: Yes, that's the only other party.

1 That's right.

2 MR. WEBER: I think you could file it to  
3 nonparties.

4 MR. CARROCCIO: Well --

5 JUDGE STEINBERG: No.

6 MR. WEBER: I think maybe then your suggestion at  
7 the beginning was maybe the best, is to have them show good  
8 cause why it's not timely. I mean, I'm happy to sit down  
9 with them and try to stipulate to as much as we can. But,  
10 you know, I -- I don't want to tie our hands at this point.

11 JUDGE STEINBERG: I'm going to leave my ruling  
12 alone, and that is -- now, if you want to file them next  
13 Monday, you are entitled to do so under the rules. In which  
14 case Mr. Weber might say, gee, maybe in exchange for  
15 withdrawing this issue request I can accept the November  
16 17th date, because they are tough.

17 MR. CARROCCIO: Your Honor, as I said, I think so  
18 far there has not been any hostility between the Bureau and  
19 the Westel and Breen parties, at least none that I have  
20 perceived. And requests for admission are not subtle tools.

21 JUDGE STEINBERG: No, absolutely not.

22 MR. CARROCCIO: They are coercive, they are one-  
23 sided, and I believe a lot more could be accomplished  
24 through stipulation. But if we are bound by a time  
25 limitation, we have no -- we have no alternative.

1 JUDGE STEINBERG: Okay. I will leave my ruling  
2 alone.

3 MR. CARROCCIO: Okay.

4 JUDGE STEINBERG: You might want to discuss this  
5 when we're off the record. I mean, I don't have any problem  
6 with it if both of you agree. But I'm going to -- if you  
7 don't, I'm going to stick within the four corners of the  
8 rule. If you decide to change your mind, just let me know  
9 by letter or something, and I will go along with it. I  
10 don't have any problem.

11 But in the other case it did create an enormous  
12 amount of -- well, the bad blood was there to begin with,  
13 and it just bloodied the waters even more, but also there,  
14 there was a very basic misconception by one of the parties  
15 as to -- well, how to answer them.

16 Okay, any other matters that we need to talk about  
17 this morning while we are all here? Mr. Carroccio?

18 MR. CARROCCIO: Excuse me for a moment, Your  
19 Honor.

20 JUDGE STEINBERG: Sure.

21 (Pause.)

22 MR. CARROCCIO: Your Honor, is Mr. Easton going to  
23 be stricken from the caption of this case at this time?

24 JUDGE STEINBERG: No, leave his name on the  
25 caption.

1 MR. CARROCCIO: Okay. In that case, Your Honor --

2 JUDGE STEINBERG: What the heck.

3 MR. CARROCCIO: -- either we can make a formal  
4 motion in this regard, or Your Honor can handle it  
5 informally. The caption reads "In re Applications of:  
6 Westel, Westel and Anthony T. Easton."

7 JUDGE STEINBERG: Right.

8 MR. CARROCCIO: I believe that should really be,  
9 "and in the matter of Anthony T. Easton."

10 JUDGE STEINBERG: Oh, I see.

11 MR. CARROCCIO: Mr. Easton is not an applicant,  
12 and I would hate for there to be any implications that there  
13 is any sort of real party in interest question or anything  
14 else, or that Mr. Easton has any connection whatsoever with  
15 regard to the Westel applications.

16 JUDGE STEINBERG: Do you want to strike his --  
17 well, it might be just easier to strike his name.

18 MR. CARROCCIO: That's what I said, that's why --

19 MR. WEBER: I mean, I --

20 JUDGE STEINBERG: We add lines and lines and lines  
21 to the caption, you won't have any room for any text on the  
22 page.

23 MR. CARROCCIO: That's another question that I'm  
24 raising, Your Honor.

25 MR. WEBER: I mean, we have no objection to



1 striking the name. I do think, you know, just even a  
2 cursory briefing of the HDO shows that there is no  
3 connection contemplated between Mr. Easton and Westel. But  
4 we have no objection to striking.

5 JUDGE STEINBERG: Okay, I'm going to strike his  
6 name from the caption.

7 MR. CARROCCIO: And Mr. Breen will be added to the  
8 caption, I presume?

9 JUDGE STEINBERG: Well, then he -- he doesn't have  
10 any applications pending in his own name, does he?

11 MR. CARROCCIO: He is a principal of -- he is a  
12 principal -- he is the principal of the applicant.

13 JUDGE STEINBERG: But it's not Quentin Breen d/b/a  
14 Westel Samoa?

15 MR. CARROCCIO: No, it is not, Your Honor.

16 JUDGE STEINBERG: Just leave everything else the  
17 way it is.

18 MR. CARROCCIO: Okay. And I presume we can in  
19 pleadings addressed to Your Honor, we can use abbreviated  
20 caption with simply referring --

21 JUDGE STEINBERG: As long as it's got the docket  
22 number on it.

23 MR. CARROCCIO: The docket number without the  
24 listing of all the application numbers. Okay, fine.

25 JUDGE STEINBERG: Yes, you can if you want to, I

1 mean, I am using the one that I've gotten of the full  
2 caption.

3 MR. CARROCCIO: Okay. We will save a few trees.

4 JUDGE STEINBERG: Well, hopefully, there won't be  
5 that many pleadings so there won't be that many trees.

6 Okay, anything further?

7 MR. WEBER: Nothing further.

8 MR. CARROCCIO: Your Honor, one issue that I would  
9 like to address, and this goes to Your Honor's question  
10 earlier about possible conflicts.

11 In Footnote 125 of the hearing designation order  
12 it talks about misrepresentations --

13 JUDGE STEINBERG: Right.

14 MR. CARROCCIO: -- in a letter of June 4, 1997.  
15 Your Honor, I am the author of that letter. I would have to  
16 ask if this -- I presume what this goes to is that there was  
17 a declaration of Mr. Breen attached to the letter, and there  
18 were arguments set forth in the letter.

19 I would not anticipate that counsel's arguments  
20 would be viewed as misrepresentations. Am I on trial here,  
21 Your Honor?

22 JUDGE STEINBERG: I'll ask the Bureau.

23 MR. WEBER: Well, I mean, certainly the spin I  
24 take on that footnote is it's primarily focusing on  
25 declarations attached to the June 4th letter; that if -- and

1 one of the declarations was by Mr. Breen. If Mr. Breen many  
2 any misstatements or misrepresentations, lacked candor or  
3 whatever in the declaration, therefore it's subject to  
4 scrutiny under this footnote.

5 Certainly I don't see the Bureau making or taking  
6 issue with an argument put forth in the June 4th letter.  
7 However, certainly in the text of the letter there may be  
8 factual assertions made, and if any of those factual  
9 assertions are false, the Bureau would take issue, and  
10 because the letter was still filed on behalf of Westel, and  
11 ultimately Westel is responsible for, I would believe, the  
12 factual assertions made in that letter.

13 JUDGE STEINBERG: Okay, without seeing the letter  
14 I don't know, but I would assume that factual assertions are  
15 covered in the declaration, and if there are factual  
16 assertions in the letter, it's a summary of what was in the  
17 declaration. That's what usually takes place.

18 MR. WEBER: I believe that's probably correct.

19 JUDGE STEINBERG: Okay, now, while we are on this  
20 matter, in paragraph 51 and 125 it appears to me that the  
21 only areas under which a forfeiture could be issued were the  
22 May 28th declaration and the June 4th letter and  
23 declaration; is that correct?

24 MR. CARROCCIO: Your Honor, the May 28th  
25 declaration is appended to the June 4 letter.

1 JUDGE STEINBERG: Okay. So basically when we're  
2 talking forfeiture, that's the only matter we're talking  
3 about because that's the only thing that's within the one  
4 year. We're not talking about whatever statements Mr. Breen  
5 may have made to the Commission prior to a year from  
6 September '97. From September '96 back, whatever happened  
7 then, whatever representations he made then are not subject  
8 to forfeiture.

9 MR. WEBER: That is correct.

10 JUDGE STEINBERG: Okay. So that to the extent  
11 that any forfeiture is appropriate or would be imposed would  
12 be that one matter.

13 MR. WEBER: Yes, Your Honor.

14 MR. CARROCCIO: Your Honor, I would ask the Bureau  
15 counsel if they are aware of any statements that Mr. Breen  
16 is purported to have made.

17 JUDGE STEINBERG: Oh, I don't know. I'm just -- I  
18 don't remember from my reading of the HDO whether it  
19 referred to any statements that Mr. Breen made to the  
20 Commission. I mean, I don't know. And I wanted to clarify  
21 the matter so we don't get a recommendation that forfeitures  
22 be issued for this and that, and this and that, and the June  
23 '97 thing, but that's something you can find out in  
24 discovery.

25 MR. CARROCCIO: That's fine, Your Honor.

1 JUDGE STEINBERG: I don't want anybody using  
2 interrogatories. I mean, if you want to -- you have to use  
3 interrogatories against the Bureau under the rules unless  
4 you want to request that I issue an order recommending that  
5 a deposition of some Commission personnel be taken. So you  
6 have to submit interrogatories to the Bureau, but I don't  
7 want the Bureau using interrogatories. It's too unwieldy.

8 MR. CARROCCIO: And, Your Honor, I would assume  
9 that you would not want us to use interrogatories except to  
10 the Bureau.

11 JUDGE STEINBERG: Right.

12 MR. CARROCCIO: Do I --

13 JUDGE STEINBERG: That's right. Right, because it  
14 just gets out of hand, and the Federal Rules, what, they  
15 hold you to 20?

16 MR. CARROCCIO: Yes.

17 JUDGE STEINBERG: Including subparts. I'm not  
18 going to do that, but I probably should.

19 Okay, anything more?

20 MR. CARROCCIO: One moment, Your Honor.

21 (Pause.)

22 MR. WEBER: Nothing more, Your Honor.

23 MR. CARROCCIO: Nothing further for Westel and  
24 Breen parties, Your Honor.

25 JUDGE STEINBERG: Okay, then we will conclude the

1 conference at this time.

2 If you need another conference to discuss anything  
3 further, just let me know and we will schedule it.

4 Okay, we will go off the record, and I'm sure  
5 something will come up that we will be meeting again in the  
6 future.

7 Thank you.

8 MR. CARROCCIO: Thank you, Your Honor.

9 (Whereupon, at 11:10 a.m., the prehearing  
10 conference was concluded.)

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**REPORTER'S CERTIFICATE**

FCC DOCKET NO.: 97-199  
CASE TITLE: Westel Samoa  
HEARING DATE: October 15, 1997  
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 10/17/97  
Joyce F. Boe  
Official Transcriber  
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Joyce F. Boe

**TRANSCRIBER'S CERTIFICATE**

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: 10/15/97  
Judith D. Ernstes  
Official Reporter  
Heritage Reporting Corporation  
Judith Ernstes

**PROOFREADER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 10/17/97  
Don R. Jennings  
Official Proofreader  
Heritage Reporting Corporation  
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